

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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JOSE L. ERAZO,

Plaintiff,

v.

CITY OF YONKERS; P.O. PHILIP
WANDERMAN; P.O. JOHN OJEDA; P.O.
JAMES PELLEGRINO; AND P.O. ANTHONY
SCARAMUZZO,

Defendants.
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ORDER

18 CV 10834 (VB)

12/6/19

Plaintiff, who is proceeding pro se and in forma pauperis, commenced this action by filing a complaint dated November 13, 2018. (Doc. #2). At that time, plaintiff was incarcerated at Westchester County Jail.

At a case conference on April 26, 2019, plaintiff told the Court he was scheduled to be moved to a new facility on April 29, 2019, and that he would update his address shortly. After not receiving an updated address, on May 20, 2019, the Court ordered plaintiff to update the Court in writing by June 17, 2019, as to his current address. (Doc. #16). The Court warned plaintiff in bold and underlined font that if plaintiff failed to update his address, the Court might dismiss the case for failure to prosecute or comply with Court orders.

Thereafter, the Court received a letter from plaintiff informing the Court that he has been moved to Bare Hill Correctional Facility. (Doc. #18).

On December 6, 2019, defendants' counsel notified the Court that after attempting to schedule a video deposition for plaintiff the Court had ordered for December 3, 2019, defendants learned plaintiff was released from Bare Hill Correctional Facility on November 4, 2019. (Doc. #24). According to the DOCCS inmate look-up website, plaintiff was released to parole on that date.

To date, plaintiff has failed to update his address or seek an extension of time in which to do so.

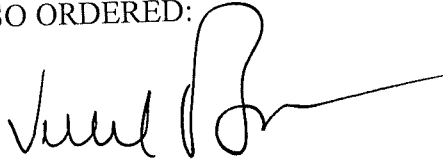
Accordingly, by January 6, 2020, plaintiff must update the Court in writing as to his current address. Failure to comply with the Court's Order may result in dismissal of the action for failure to prosecute or comply with Court orders. Fed. R. Civ. P. 41(b).

The Clerk is directed to mail a copy of this Order to plaintiff at the address on the docket.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this Order would not be taken in good faith, and therefore in forma pauperis status is denied for the purpose of an appeal. Cf. Coppedge v. United States, 369 U.S. 438, 444-45 (1962).

Dated: December 6, 2019
White Plains, NY

SO ORDERED:

A handwritten signature in black ink, appearing to read 'Vincent L. Briccetti', written over a horizontal line.

Vincent L. Briccetti
United States District Judge